

April 15, 2014

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

FILED

14 APR 18 PM 4:23

Request for Modifying the Conditions of Pretrial Release

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
OS**Name of Defendant:** David Garcia**Dkt No.:** 14CR584H-001**Name of Judicial Officer:** The Honorable Marilyn L. Huff, U.S. District Judge (matter referred to the Honorable Nita L. Stormes)**Date Conditions Were Ordered:** February 25, 2014, before the Honorable Nita L. Stormes, U.S. Magistrate Judge**Conditions of Release:** restrict travel to Southern District of California; do not enter Mexico; report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court; not possess or use any narcotic drug or other controlled substance as defined in 21 U.S.C. § 802, without a lawful medical prescription; not possess any firearm or other dangerous weapon or explosive device; read, or have explained, and acknowledge understanding of the Advice of Penalties and Sanctions Forms; Provide the court a current residence address and telephone number prior to release from custody and keep it current while the case is pending; Be able to legally remain in the United States during pendency of the proceeding; actively seek and maintain full-time employment, schooling, or combination both; Reside with his father or brother in Chula Vista; Surrender passport and not apply for a new one.**Modification:** None**Date Released on Bond:** March 11, 2014**Charged Offense:** 21 USC 841 (a)(1)- Possession of Methamphetamine with Intent to Distribute**Next Court Hearing:** July 28, 2014 at 9:00 a.m., (Sentencing)**Asst. U.S. Atty.:** Alex Markel
(619) 546-9728**Defense Counsel:** Thomas Matthews (Appointed)
(619) 236-3400**Prior Violation History:** None

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PETITIONING THE COURT

TO MODIFY THE CONDITIONS OF SUPERVISION AS FOLLOWS:

PRAYING THE COURT WILL ORDER THE DEFENDANT TO SUBMIT TO TREATMENT AND/OR TESTING, FOR DRUGS OR ALCOHOL, AS SPECIFIED BY PRETRIAL SERVICES.

CAUSE

Following his release from custody, Mr. Garcia informed the undersigned of his substance abuse history. He reported using marijuana and cocaine, on a recreational basis, up until December 2013. Considering his young age (24), the seriousness of the illicit drugs, and the recency of his last reported use, we feel drug testing and/or treatment is warranted.

Pretrial Services has confirmed with the defendant, the Assistant U.S. Attorney and defense counsel, and they are in agreement to add drug testing to the defendant's existing conditions. This condition will allow Pretrial Services to monitor for any illicit drug use.

ADDITIONAL INFORMATION:

The undersigned received a computerized notification and an email from U.S. Customs & Border Protection, indicating the defendant had crossed into the United States from the San Ysidro Port of Entry on April 5, 2014.

On April 8, 2014, the undersigned spoke to the defendant in our office. Mr. Garcia readily admitted to going to Tijuana on April 4, 2014. He explained he got a call that his grandmother was very ill and had been hospitalized at Hospital Angeles. The defendant was aware he could not go to Mexico without authorization from the court. Mr. Garcia related he was worried for his grandmother as she is elderly. The defendant apologized and understands the seriousness of his actions. At this time, we are requesting that action be held in abeyance. However, any future violations will be brought before the court forthwith.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 4/15/14

Respectfully submitted:

by _____
Eleonor Ruiz
United States Pretrial Services Officer
(619) 557-2991
Place: San Diego, California

Reviewed and approved:


Jeff Larsen
Supervising U.S. Pretrial Services Officer

THE COURT ORDERS:

AGREE, the defendant to submit to treatment and/or testing, for drugs or alcohol, as specified by Pretrial Services.

AGREE, hold action in abeyance as to defendant's travel to Mexico.

Other _____


The Honorable Nita L. Stormes
U.S. District Judge

4-18-14
Date